

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VS

GREGORY SOWELL

2005 DEC -8 A 9:38

CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

MOTION FOR EXTENSION AND OR
ENLARGEMENT OF TIME

1:05CV1111-H

COMES NOW, Petitioner Gregory Sowell, pro-se who moves this Honorable Court pursuant to Federal Rule Appellate Procedure 26(b) to enlarge and/or extend the time in which to submit his brief and memorandum of law, along with record excerpts, from Dec. 12, 2005 until Jan. 12, 2006, which is a period of thirty (30) days. Good cause for the granting of this motion is as follows:

1. On Nov. 17, 2005, Petitioner filed a motion pursuant to 28 U.S.C. § 2255 ¶ 6(3) requesting the United States District Court in reference to the decision in BOOKER, 125 S.Ct. (2005) to vacate, set aside or correct sentence.

2. On Nov. 29, 2005, the district court denied the § 2255 ¶ 6(3) motion.

3. Petitioner wishes to submit a memorandum of law and record excerpts with his informal brief. This will enable this court to grasp the issues, facts, and law with a better understanding, allowing Petitioner a better chance at showing the district court's error in denying relief.

4. The problem Petitioner has is that he is pro-se litigant who is incarcerated, without funds to retain counsel, and is not knowledgeable in the practice of law.

5. Petitioner is therefore being assisted by an inmate paralegal in the preparation of this appeal brief and cannot adequately prepare

and submit the brief, memorandum of law, and record experts without the paralegal's assistance.

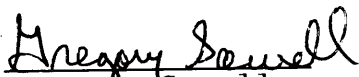
6. Petitioner, nor the inmate paralegal, is requesting this extension/enlargement of time for the purpose of delay or prejudice, but solely for the reason that there is not enough time for the pleadings to be prepared and submitted to this court.

WHEREFORE, Petitioner respectfully prays this Honorable Court extend or enlarge the time in which to file the appeal brief by a period of at least thirty (30) days, which will be, Jan. 12, 2006, and for any all such other relief deemed appropriate.

I, Gregory Sowell, pro-se do hereby swear under penalty of perjury under 28 U.S.C. §1746 that the following is true and correct.

This 6th day of Dec. 2005.

Respectfully submitted

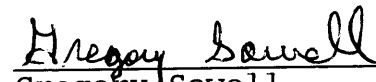

Gregory Sowell

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing "Motion for Extension/Enlargement of Time" has been sent to the parties listed herebelow by placing same in the U.S. Mail in a properly addressed and franked envelope.

I, Gregory Sowell, do hereby swear under penalty of perjury under 28 U.S.C. §1746 that this is true and correct.

This 6th day of Dec. 2005.


Gregory Sowell
Reg. # 08240-002
Federal Correctional Inst.
P.O. Box 699
Estill, SC 29918-0699